



Office of Institutional Equity

MSC 3515
New Mexico State University
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PERSONAL/CONFIDENTIAL

NOTICE OF ALLEGATIONS & ADVISEMENT OF RIGHTS

December 23, 2020

Gary Roemer
Department of Fishery and Wildlife Science
MSC 4901, NMSU
PO BOX 30003
Las Cruces, NM 88003-4901
Sent electronically to: groemer@nmsu.edu, gwroemer11@gmail.com

RE: OIE#2020/2021-0094A-D

Dear Gary Roemer,

On December 21, 2020, Laura Castille, Executive Director of the Office of Institutional Equity and NMSU Title IX Coordinator, issued a formal complaint pursuant to [*NMSU Administrative Policy and Rule 3.25, Prohibition of All Forms of Unlawful Discrimination*](#), (“ARP 3.25”) based on multiple reports received by the Office of Institutional Equity, where it is alleged that you have engaged in a pattern of discriminatory conduct based on sex and/or race that was sufficiently severe, persistent, and/or pervasive, so as to create a hostile work or learning environment, or that your conduct has the purpose or effect of substantially interfering with an individual(s) academic or work performance.

The Office of Institutional Equity (“OIE”) is initiating an investigation into the following allegations alleged to be in violation of ARP 3.25:

- 1. Whether Gary Roemer engaged in a pattern of discriminatory conduct based on sex/gender, in violation of NMSU ARP 3.25, by making comments about the female body, attractiveness, appearance, boyfriends and dating.**
- 2. Whether Gary Roemer engaged in a pattern of discriminatory conduct based on sex/gender, in violation of NMSU ARP 3.25, by making comments interpreted as “belittling”, “demeaning”, including that female co-workers were “charmed” by**



a male individual; by referring to graduate and undergraduate students as “Ladies” or “cute”; and by stating that it was not part of his “generation” to use preferred pronouns.

3. **Whether Gary Roemer, in his graphic description of a sexual assault incident as contained in his email dated August 29, 2020, purposefully targeted and subjected female graduate students to discriminatory conduct based on sex/gender, in violation of NMSU ARP 3.25.**
4. **Whether Gary Roemer, in his emails dated August 28 & 29, 2020, purposefully targeted and subjected graduate students to discriminatory conduct based on race, in violation of NMSU ARP 3.25.**

Should additional allegations be identified, you will be informed in writing of those specific allegations and afforded the opportunity to respond prior to the conclusion of the investigation. **Under NMSU ARP 3.25, you are presumed not responsible for the alleged conduct.** A determination regarding responsibility for violation of the policy will be made at the conclusion of the process.

NMSU has implemented [*OIE Standard Operating Procedures, Process for Resolving Complaints of Discrimination*](#) which were developed and are enforced according to NMSU’s obligations under state and federal law, including the U.S. Department of Education’s [*Final Title IX Rule of May 19, 2020*](#). Per NMSU’s Policy and Procedure, “sexual harassment” includes “unwelcome conduct” of a sexual nature that a reasonable person would find “so severe, pervasive, and objectively offensive” that it effectively denies someone equal access to an education program. Whether an action is discriminatory under NMSU policy, the specific facts of each case and the context under which the conduct occurred will be reviewed and a determination made. Some conduct may be inappropriate, unprofessional, and/or subject to disciplinary action, but not fall under the definition of discrimination/sexual harassment/sexual misconduct. Included in these procedures is the process that must be followed. This process requires a prompt, impartial and equitable investigation.

Before the investigation concludes, a draft report, along with all evidence gathered during the investigation, will be provided to you to review and respond. The matter will then be scheduled for a hearing. During the hearing, a hearing officer will evaluate the allegations of discrimination based on a “preponderance of the evidence” standard, which means the greater weight of the evidence. The parties will then be notified of the outcome in writing, including any sanctions and/or remedies imposed.

If you are found responsible for a violation of NMSU Policy, disciplinary action or sanctions will be imposed based on the severity of the misconduct. Such action or sanction may include an oral/written warning, oral/written reprimand, notification of unacceptable performance, attendance at mandatory training, suspension, demotion, reduction in salary, involuntary termination/dismissal and designation as ineligible for rehire. See [*NMSU ARP 10.10, Staff Disciplinary Action/Involuntary Termination*](#) and [*NMSU ARP 10.50, Faculty Alleged Misconduct Investigation, Discipline, and Appeals Processes*](#).

Supportive measures are available to you during this process. Resources are available at <https://equity.nmsu.edu/resources/>, or see [Support and Resources Guide, Apoyo y Guia de Recursos](#). Please contact Laura Castille at OIE to request supportive measures.

OIE will contact you for an interview as part of this investigation. You are welcome to have a support person/advisor of your choice accompany you during any meeting in this process. Your support person/advisor may be, but is not required to be, an attorney. Costs incurred by having such an advisor are your responsibility. NMSU has a pool of faculty/staff that may serve as your advisor. In the event this matter proceeds to a hearing and you do not have the assistance of an advisor of choice, NMSU will provide you with one, at no cost or fee to you, for the purpose of conducting cross-examination within the hearing process.

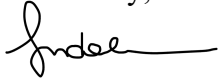
The privacy of all individuals participating in OIE's investigation will be respected to the fullest extent possible, but confidentiality is not guaranteed. Further, as a means to protect the integrity of the investigation, all individuals required to participate in the investigation process, including faculty, students, staff, and other witnesses, are asked not to discuss the facts and circumstances of the matter while it is pending, unless necessary to respond to the allegations.

Retaliation against individuals who, in good faith, file a complaint of discrimination or assist with an investigation is prohibited and may be grounds for discipline. This includes conduct designed to intimidate or interfere with the investigation. All employees are required to cooperate with any investigation. Refusal to do so may result in disciplinary action.

Please respond to these allegations in writing within five (5) working days of receipt of this notice. In your response, please identify any witnesses or specific individuals that you believe have information related to this matter and provide any evidence or documentation that you believe is relevant for OIE's review. Please direct your response to my attention.

Should you have any questions or concerns, please do not hesitate to contact me at amdelov@nmsu.edu.

Sincerely,



Annamarie DeLovato

Enc.: Office of Institutional Equity Complaint, 12.21.20
Public Inquiry Reporting, 09.13.20
NMSU Campus Community Incident Report Form, 09.10.20
Public Inquiry Reporting, 10.17.20
Flores' Report, 02.13.19
OIE Confidential Memorandum, 06.27.18

cc: Donald Conner, Associate Dean, College of Agricultural, Consumer & Environmental Sciences



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OFFICE OF INSTITUTIONAL EQUITY COMPLAINT

The Office of Institutional Equity (“OIE”) receives and processes complaints and reports of discriminatory conduct, including conduct alleged to be in violation of Title IX of the Education Amendment Act of 1972. OIE has received the following reports where it is alleged that you engaged in discriminatory conduct in violation of [NMSU Administrative Policy and Rule 3.25, Prohibition of All Forms of Unlawful Discrimination](#), based on sex and/or race:

Date Allegations Occurred:	Academic Year 2018-2019
Reporting Party:	Brittany Schweiger, Fiona McKibben
Alleged Respondent:	Gary Roemer
Allegations:	After a graduate student presentation, a male student asked the female student presenter a question. Dr. Roemer then stated “why don’t you just ask her out [on a date] already”. This statement was made in the presence of other students and faculty members.
Date Allegations Occurred:	Fall 2020
Reporting Party:	Brittany Schweiger
Alleged Respondent:	Gary Roemer
Allegations:	Dr. Roemer walks into the graduate student office and repeatedly states, “Hello Ladies. Is it ok for me to call you that?” Dr. Roemer stated that it is not part of “his generation” to use preferred pronouns.
Date Allegations Occurred:	February 2020/Fall 2020
Reporting Party:	Brittany Schweiger, Jessica Buskirk, Female Members of Department
Alleged Respondent:	Gary Roemer
Allegations:	Dr. Roemer made comments on graduate students’ appearance or attire and then asked if it is ok to make such comments. Dr. Roemer’s comments include referring to an overweight student as “Michellin Man”, “Staypuft Marshmallow Man” and “Pillsbury Doughboy”. Dr. Roemer asked a female graduate student, “What else do you have to offer besides a pretty smile?” Dr. Roemer “constantly judges women on their appearance” making them frequently uncomfortable. It was reported that a female

	undergraduate student asked to be reassigned an advisor because Dr. Roemer commented that she was “cute”.
Date Allegations Occurred:	August 2020
Reporting Parties:	Brittany Schweiger, Allison Salas, Fiona McKibben
Alleged Respondent:	Gary Roemer
Allegations:	Dr. Roemer, in an email, copied all department graduate students, and expressed “racist ideas”, “inflammatory”, “degrading opinions” and included an “unnecessary description of an alleged sexual assault”.
Date Allegations Occurred:	February 2019/Fall 2020
Reporting Party:	Female Members of Department
Alleged Respondent:	Gary Roemer
Allegations:	OIE Inquiry 2018/2019-0102. During review of candidates for the department chair position, Dr. Roemer commented that the female members of the committee were “charmed” by one candidate. Dr. Roemer’s statement was received as “demeaning” and meant to “lessen” the value of the staff members and women in the department. Dr. Roemer’s comments were described as “upsetting”, “sexist” and “unprofessional”. Subsequently, in addressing this comment, Dr. Roemer stated, “You cannot teach an old dog new tricks.”
Date Allegations Occurred:	April 2018
Reporting Party:	James Lucero
Alleged Respondent:	Gary Roemer
Allegations:	OIE Inquiry 2017/2018-0161. During an NMSU sponsored event, Dr. Roemer made a perceived sexist comment regarding one of his female students when he stated that his student “scored”. OIE met with Dr. Roemer who advised that he intended to exercise greater caution in the terms of his word choices.

Based on the information and number of reports, as outlined above, there are compelling reasons to pursue a formal complaint of this matter. These reports represent a risk, based on a pattern of conduct or behavior reported against you, that the conduct will be repeated. All of this conduct is alleged to have occurred while you were functioned in your capacity as a faculty member at NMSU.

For additional information please see the accompanying Notice of Allegations.

Laura Castille

Laura Castille,
Office of Institutional Equity Executive Director &
NMSU Title IX Coordinator

12/21/2020

Date